

FILED 09 MAY 01 15:45 USDC-ORF

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 06-1832-PK

v.

ORDER

STEPHEN GEORGE MILJUS; EILEEN  
JANE MILJUS; JOHN BRUNKO MILJUS,  
THE ORGANIC ASSEMBLY OF THE REMNANT  
IN YAHSHUA; STEVEN GEORGE FAIR,

Defendants.

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HAGGERTY, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [166] in this action, recommending that defendant Fair's Motion for Declaratory Judgment/Summary Judgment [152] be stricken from the record. Fair filed objections to the Findings and Recommendation.

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review of that Findings and Recommendation. 28 U.S.C. §

636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

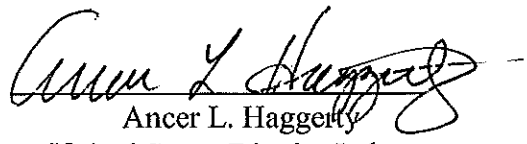
The Findings and Recommendation concluded that "Fair has no claims for relief pending in this action, and because his motion is otherwise procedurally improper – including procedural improprieties already brought painstakingly to Fair's attention – the court should exercise its inherent power to manage its docket and strike Fair's motion." Findings and Recommendation at 6.

In his Objections, Fair repeats an argument that has previously been rejected by this court. Fair argues that this court has "no constitutional authority" in this matter because Fair holds an allodial interest in the property at 12055 SE Lusted. Objection to Findings and Recommendation at 3. As this court has observed, "[i]t does not appear . . . that any American state or federal court has ever acknowledged allodial ownership of any property other than by the United States itself." Findings and Recommendation [61] at 2-3. This court concludes that Fair's objections to the Findings and Recommendation are without merit.

This court has examined the pending motion and the underlying record. The conclusions of the Findings and Recommendation are legally sound and worthy of adoption. Accordingly, defendant Fair's Motion for Declaratory Judgment/Summary Judgment [152] is STRICKEN from the record, as set forth in the Findings and Recommendation [166].

IT IS SO ORDERED.

Dated this 1 day of May, 2009.

  
Ancer L. Haggerty  
United States District Judge